

1 MAGISTRATE JUDGE
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3 11-CR-05574-ORD
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CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	

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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 UNITED STATES OF AMERICA,

) NO. CR11-5574

12 Plaintiff,

) FINDINGS AND ORDER ACCEPTING
13 vs.
14 DEFENDANT FOR DEFERRED
TARRA MONTA ,
15 PROSECUTION, APPROVING
Defendant.
16 TREATMENT PLAN, AND DIRECTING
AS PRESCRIBED

(Clerk's Action Required)

17 THIS MATTER, coming on for hearing this 9th day of April , 2012, upon the

18 Petitioner's Petition for Deferred Prosecution; the defendant appearing in person and by

19 her attorney, Jerome Kuh, Assistant Federal Public Defender; the United States of

20 America being represented by Major Jonathan Persons, Special Assistant United States

21 Attorney; the Court, having examined and incorporated into the record Petitioner's

22 Petition and Statement in support of deferred prosecution, the evaluation and treatment

23 report prepared by Social Treatment Opportunity Programs (STOP), and the files and

24 records herein, being fully advised in the premises, does now make and enter the

25 following:

26
FINDINGS AND ORDER ACCEPTING DEFENDANT
FOR DEFERRED PROSECUTION - 1

FEDERAL PUBLIC DEFENDER
1331 Broadway, Ste. 400
Tacoma, Washington 98402
(253) 593-6710

I. FINDINGS OF FACT

A. On or about the 1st day of October, 2011, Petitioner was charged with the offense charged in the Information. This offense occurred as a direct result of alcoholism/chemical dependency problems;

B. Petitioner suffers from an alcohol/drug problem and is in need of treatment;

C. The probability of similar misconduct in the future is great if the problem is not treated;

D. Petitioner is amenable to treatment;

E. An effective rehabilitative treatment plan is available to Petitioner through Social Treatment Opportunity Programs (STOP), an approved treatment facility as designated by the laws of the State of Washington, and Petitioner agrees to be liable for all costs of this treatment program;

F. That Petitioner agrees to comply with the terms and conditions of the program offered by the treatment facility as set forth in the diagnostic evaluation from Social Treatment Opportunity Programs (STOP), attached to Statement of Petitioner filed herewith, and that Petitioner agrees to be liable for all costs of this treatment program;

G. That Petitioner has knowingly and voluntarily stipulated to the admissibility and sufficiency of the facts as contained in the written police report attached to Statement of Petitioner filed herewith.

H. That Petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing or trial on the underlying offense or offenses held subsequent to revocation of this Order Granting Deferred Prosecution and that these reports will be used to support a finding of guilt;

111

1 From the foregoing FINDINGS OF FACT, the Court draws the following:

2 **II. CONCLUSIONS OF LAW**

- 3 A. That the above-entitled Court has jurisdiction over the subject matter and
4 Petitioner Tarra Monta, in this case;
- 5 B. That Petitioner's Petition for Deferred Prosecution meets the requirements
6 of RCW 10.05 et seq.;
- 7 C. That the diagnostic evaluation and commitment to treatment meets the
8 requirements of RCW 10.05.150;
- 9 D. That Petitioner is eligible for deferred prosecution.

10 **III. ORDER**

11 Having made and entered the foregoing FINDINGS OF FACT and
12 CONCLUSIONS OF LAW, it is hereby

13 ORDERED that the Petitioner is accepted for deferred prosecution. The
14 prosecution of the above-entitled matter is hereby deferred for five (5) years pursuant to
15 RCW 10.05 et seq., upon the following terms and conditions:

16 A. Petitioner shall be on probation for the deferral period and follow the rules
17 and regulations of probation;

18 B. Petitioner shall enroll in and successfully complete the two-year treatment
19 program recommended by according to the terms and conditions of that plan as outlined in
20 the diagnostic evaluation, a true copy of which is attached to the Petition and incorporated
21 herein by reference. Petitioner shall not change treatment agencies without prior
22 Probation approval;

23 C. The treatment facility, Social Treatment Opportunity Programs (STOP),
24 shall file with the United States Probation Office status reports of Petitioner's compliance
25 with treatment, monthly during the first year of the deferred prosecution period and every

1 three (3) months during the second year. The Court may increase the frequency of these
2 reports at its discretion;

3 D. Petitioner shall notify U.S. Probation within 72 hours of any residence
4 change.

5 E. Petitioner shall abstain during the deferred prosecution period from any and
6 all consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;

7 F. Petitioner shall not operate a motor vehicle on the public highways without a
8 valid operator's license and proof of liability insurance sufficient to comply with the state
9 laws on financial responsibility;

10 G. Petitioner shall be law abiding and shall not commit any alcohol/drug
11 related offenses or other criminal offenses during the period of deferral,

12 H. Petitioner shall notify U.S. Probation within 72 hours of being arrested,
13 questioned, or cited by Law Enforcement;

14 I. In the event that Petitioner fails or neglects to carry out and fulfill any term
15 or condition of her treatment plan or violates any provision of this Order or any rule or
16 regulation of her probation officer, upon receiving notice, the Court shall hold a hearing to
17 determine why Petitioner should not be removed from deferred prosecution and
18 prosecuted for the offense/offenses charged;

19 J. In the event the Court finds cause to revoke this deferred prosecution, the
20 stipulated police reports shall be admitted into evidence, and Petitioner shall have her guilt
21 or innocence determined by the Court;

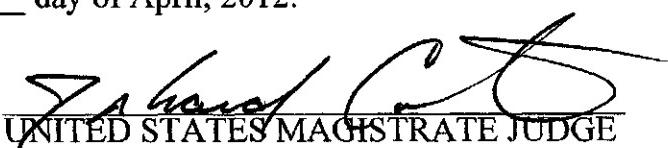
22 K. That the statement of Petitioner for Deferred Prosecution shall remain
23 sealed, and all subsequent reports or documents relating to her treatment information shall
24 be sealed, to maintain confidentiality of Petitioner's treatment information;

25 L. That the Department of Licensing be notified of this Order accepting the
26 Petitioner for deferred prosecution;

1 M. Upon proof of Petitioner's successful completion of five years deferral
2 period in this Order, the Court shall dismiss the charges pending against Petitioner.

3 N. Additional conditions: _____
4 _____
5 _____
6 _____
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9 DONE IN OPEN COURT this 9 day of April, 2012.

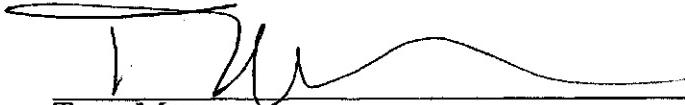
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11 UNITED STATES MAGISTRATE JUDGE

12 Presented by:

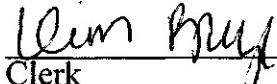
13 s/ Jerome Kuh
14 Jerome Kuh
15 Attorney for Tarra Monta

16 I have received a copy of the foregoing Order of Deferred Prosecution. I have read
17 and understand its contents, and agree to abide by the terms and conditions set forth
herein.

18 Dated: 4-9-2012

19 
20 Tarra Monta
Defendant-Petitioner

21 I certify that a copy of this signed Order was mailed to the subject treatment
22 facility, on April 9, 2012, 2012. The United States Probation Office was also
23 furnished a copy of this Order.

24 
25 Clerk